



STATE OF THE JUDICIARY

2017





JUSTICE BARBARA A. MADSEN

Chief Justice 2010–2017
Washington Supreme Court

PASSING THE GAVEL

It has been my honor to serve as Chief Justice of the Washington Supreme Court these past seven years. One of the joys of this position is sharing with the people of Washington the many accomplishments of the previous year by hard-working, caring members of the judicial branch to make the justice system more fair, effective, efficient, and more accessible.

This past year has been no exception.

Over the past year, members of the judicial branch focused more deeply on how the justice system impacts vulnerable or under-represented members of the population such as racial or ethnic minorities, religious minorities, the poor, women, disabled, and elderly.

Significant effort went into two comprehensive symposiums on a severe shortage of legal aid for the poor and on pretrial justice practices (such as the bail system) and how they impact low-income residents, revealing outcomes and trends that were not well known or understood statewide. Innovations and reforms are underway in these areas, as you can read about in this report.

Other efforts to understand and address challenges include projects to reform the system of court fines and fees, increase diversity in juries, to encourage hiring and promotion of diverse attorneys, to reach out to religious minorities such as the Muslim community, to study the impacts of gender

in a myriad of justice system practices and outcomes, to encourage diverse young people to consider careers in law and justice, and much more.

Information on all of these activities can be found in this report.

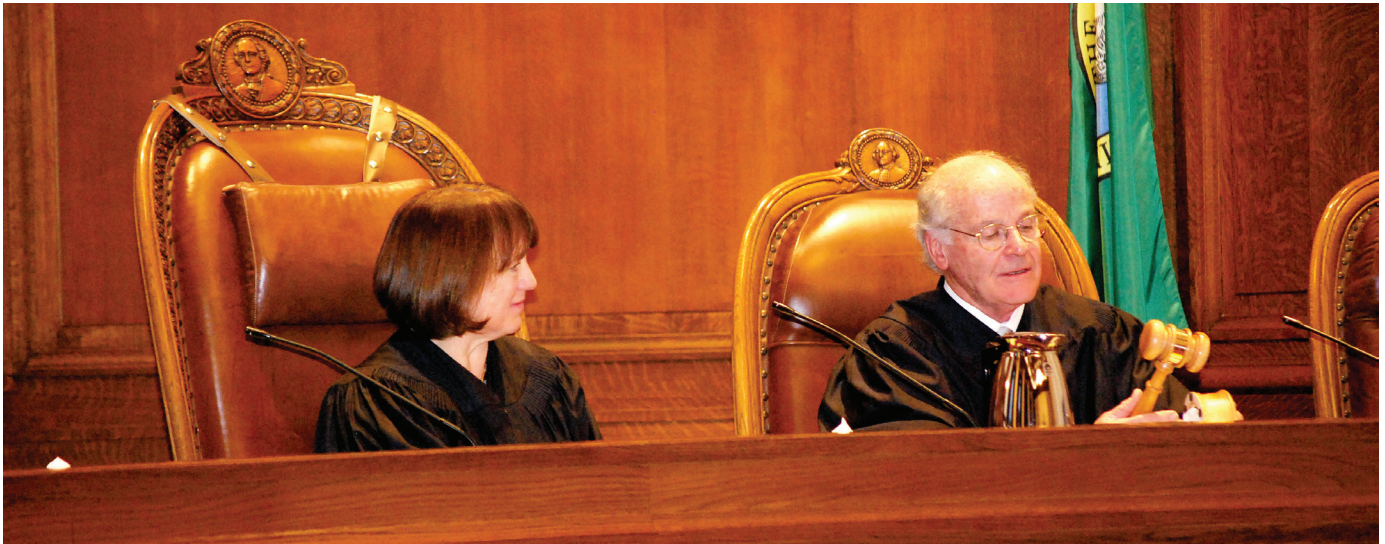
Additional efforts to understand and improve justice impacts on the poor and middle income include plans to simplify relicensing for persons with traffic offenses, to expand the number of Limited License Legal Technicians in the state, to continue establishment of the statewide guardianship network, and more. (See “Justice for All,” page 14.)

Many advances in the justice system are first made possible behind the scenes through administrative steps and operational support — changing court rules, applying for grants, training interpreters, conducting research, updating technical systems, putting goals and ideas into practice, collaborative meetings and decision-making that lead to progress. While these activities don’t usually make the news, they are critical to a functioning justice system.

Finally, while statewide efforts and impacts receive much attention, significant innovation and progress is being made by individual courts around the state that carve out time and resources from immensely busy schedules and tight budgets to make justice work better in their communities. Read about

MADSEN, CONTINUED ON NEXT PAGE

“It has been my honor to serve as Chief Justice of the Washington Supreme Court these past seven years.”



Passing of the gavel is a tradition in the state Supreme Court when a new Chief Justice takes the oath of office. In 2010, exiting Chief Justice Gerry Alexander passed the gavel to new Chief Justice Barbara Madsen, who went on to become the second longest serving Chief Justice in Washington state history. On January 9, 2017, Madsen passed the gavel to newly sworn in Chief Justice Mary Fairhurst.

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ambitious juvenile justice plans in Grays Harbor County, about mental health courts in Whatcom and Cowlitz counties, about innovative pretrial programs in Yakima and Spokane counties, about Olympia's new community court, about Lake Forest Park Municipal Court's new program to reduce recidivism, and about Mason County District Court's new pilot programs to reduce incarceration and help veterans. (See "Judicial Innovations," page 19.)

The hard work of dedicated and caring professionals has made Washington's judicial branch one to be proud of for many years. We were among the first states to form an interpreter commission, to establish minority and justice and gender and justice commissions, to create a statewide information system, to embrace therapeutic courts as an effective model, and to develop a research arm in order to promote evidence-based practices. Our branch has enjoyed a national reputation for innovation.

One of our most recent efforts to bridge communities is the Tribal State Court Consortium, which brings together tribal and state judges to learn from each other and to discuss areas where our justice issues intersect. Washington became the first state in the nation to launch a new legal position — the Limited License Legal Technician (LLLT) — that gives people of modest incomes more options in accessing legal help. States around the country watched us closely and many launched similar programs.

I am leaving the Chief Justice position in good hands with Mary Fairhurst, who was sworn in on January 9th. I've worked with Mary for many years and I know she is well prepared to lead the judicial branch. She is committed and capable, and I look forward to her tenure.

I also look forward to continuing on with the Supreme Court for another term, and being involved in many important, ongoing efforts to help courts in their operations and to improve the justice we provide.

For instance, the Gender and Justice Commission is undertaking an ambitious update of our state's groundbreaking 1989 study, "Gender and Justice in the Courts." That study has served as a foundation for amazing progress in the past quarter century, but much has changed and now it is time to renew our understanding of the modern challenges to gender fairness in the judicial system.

I want to send a special thank you to the staff members of the Temple of Justice and the Administrative Office of the Courts, who work tirelessly behind the scenes to support the courts and to make these improvements possible.

And lastly, I'd like to thank all of the judicial officers, court staff members, and judicial branch agency workers who put in so much effort day in and day out to help the people of Washington find safety, fairness, and justice. The work you do makes more difference than you will probably ever know. I very much look forward to continuing those efforts with you in the coming years.



CHIEF JUSTICE MARY E. FAIRHURST
Washington Supreme Court

AN AMAZING AND HUMBLING HONOR AND RESPONSIBILITY

Thank you to my Supreme Court colleagues for their trust in electing me Chief Justice. I am excited to work with them and all members of the judicial branch as together, we maintain and improve the quality of justice we provide in Washington.

I want to especially thank Justice Barbara Madsen, who provided me this opportunity. She has worked faithfully and tirelessly as Chief Justice. I am grateful to her for encouraging me to become a justice and for all of the support and assistance she has given me, and will continue to provide me, as I continue her good work.

The position of Chief Justice is a unique role in our court system, which is not unified because of the way the levels of court were created and because trial courts are primarily funded and administered at the local level. Leadership of such a system is mainly about working together collaboratively and collegially to have a shared vision of how we deliver justice. It also involves encouraging and supporting the amazing work being done by judges, court staff members, clerks, and justice partners at all levels and in every region of the state.

Beyond the significant efforts already underway, more work is ahead for Washington courts and the judicial branch. An important civic education campaign will launch this month, inspired by similar efforts of retired United States Supreme Court Justice Sandra Day O'Connor, and will boost opportunities for Washington students to learn about their government and their roles and responsibilities as citizens. Studies reveal a disturbing lack of knowledge by students and young adults about the branches of government and how they can be part of the decision-making and leadership in their communities and state. The civic education initiative is a collaborative effort coordinated in the judicial branch, but with leaders from all of the branches who are very active and committed to it goals. You can read about it on page 32.

This is also an important year in the active education-funding case known as the McCleary case. I have full confidence that the legislative and executive branches can and will work together to get this important work done for the students and families of Washington.

FAIRHURST, CONTINUED ON NEXT PAGE

“ I believe that as elected leaders, we serve the people of Washington every single day with our decisions and our actions. ”

I believe that as elected leaders, we serve the people of Washington every single day with our decisions and our actions. It's an amazing and humbling honor and responsibility. Some of my goals as Chief Justice are for all who work in the legal system to recognize that they are stewards of justice, that all who come in contact with the judicial branch will be treated fairly and will feel they are treated fairly, that justice will be administered efficiently and all who need or want to access the judicial system will be able to with appropriate representation.

Bringing fair, efficient, accessible justice to all the people of Washington in an era of uncertain funding is an enormous challenge each year, and we add to that a commitment to keep improving justice by continually seeking out new knowledge

and better methods.

I want the justice system to live up to its ideal. We accomplish that by not allowing ourselves to become overwhelmed — by believing that each court, each committee, each individual can make a difference and that every improvement, no matter the size, adds to a better whole. For those who work in it to ask themselves: “What would I attempt to do if I knew I could not fail?” and “What can I do to make a difference?”

Washington is fortunate to have a judicial branch filled with people who will never give up trying to make a difference and trying to improve justice, in ways big and small. My goal as Chief Justice is to encourage and support those efforts, and today I applaud the work being done on behalf of all people who need our courts.



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Supporting Justice

Justice in Action

Justice Matters

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DIVERSITY AND JUSTICE

Washington state leaders have long worked for fairness in the justice system for people of all races, ethnicities, genders, religions, abilities, income level and other under-represented population groups. The Washington Supreme Court was one of the first in the nation to establish a Minority and Justice Task Force in the 1980s, which became the active Minority and Justice Commission that exists today. However, increasing diversity and fair outcomes in Washington's judicial branch is not about a committee or a project or an office — it is an ongoing goal present in nearly every effort toward improving the justice system. In this section, read about just some of the work from 2016 that focused directly on diversity and justice.

Supreme Court Symposium Examines Impact of Pre-Trial Practices on Justice

Four years ago, meaningful bail hearings for persons arrested in Yakima County were not happening until 14 to 21 days after their arrest — time that defendants usually lingered in jail away from family, jobs, and school, and suffered the consequences for their absences.

Deeply concerned by this, newly elected Yakima County Superior Court Judge Richard Bartheld began talking with court and community officials about changes.

Earlier this year, Yakima implemented its new pre-trial program requiring release decisions within 48 hours of arrest, the presence of prosecutors and defense counsel at these hearings, use of a new risk assessment tool, and more information for judges to make decisions. The program includes four levels of pre-trial release that include varying levels of required contact with the court.

In the first six weeks of Yakima's program, the average time for a "meaningful" bail or release decision decreased from 14.7 days to 1.7 days, and the county's jail now averages 50 fewer inmates per day.

Judge Bartheld is excited about the early success, and is happiest about one particular statistic: 42.

That is the number of persons arrested during the six weeks who were never charged with any crime — and were released rather than held waiting for a bail hearing. Under the old system, they likely would have spent time in jail and had their lives significantly disrupted, yet never been charged.

Though "justice system" to many people invokes images of hearings, trials, juries and findings, the processes that take place before all of that have huge impacts on individuals who are arrested — perhaps not even charged — and on courts, jails and communities.

With a growing understanding of the impacts of pre-trial processes, the Washington Supreme Court Minority and Justice Commission presented a public symposium, "Pre-Trial Justice: Reducing the Rate of Incarceration," on May 25 at the Temple of Justice, exploring the problems and possible solutions.

PRE-TRIAL JUSTICE, CONTINUED ON NEXT PAGE



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It was the fourth in an annual series of symposiums conducted by the Minority and Justice Commission which examine critical components of the justice system where improvements are needed, and which also impact racial and ethnic minorities disproportionately.

King County Superior Court Judge Theresa Doyle served as moderator for the symposium, which examined a nationwide effort to reform pre-trial practices, explored innovative new programs in Yakima and Spokane, presented a panel of Washington experts, and a panel of people adversely affected by pre-trial processes.

When a defendant cannot afford bail and waits weeks in jail for a trial, “lives are upended,” Judge Doyle said. Jobs are lost, families scattered, housing put in peril, perhaps for want of \$1,000 in bail a person does not have, while taxpayers foot

the bill for the jail time and often severely disrupted lives.

“There’s a better way,” Doyle said.

She introduced keynote speaker Professor Cynthia Jones of the American University College of Law and the Pre-Trial Racial Justice Initiative, considered the national expert on the issue.

Bail and pre-trial practices have become a national justice issue because they have a great deal of impact on people accused of crimes, particularly low-income persons; because they have become “untethered” from their original purposes and have morphed into a monetary industry; and because they disproportionately affect racial and ethnic minorities, Jones said.

Rather than focusing on safety or flight concerns, “we are using money to determine pre-trial detention,” she said.

PRE-TRIAL JUSTICE, CONTINUED ON NEXT PAGE



JURY POOL DIVERSITY STUDY UNDERWAY IN WASHINGTON

The Minority and Justice Commission is undertaking a study of jury pool diversity with the help of more than 30 courts around Washington. Studies (such as one conducted in 2012 by UCLA) show that white juries are more likely to convict black and Hispanic defendants than white defendants in similar crimes with similar facts. However, capturing data on the demographic makeup of juries and those who respond to jury summonses (the “jury pool”) is challenging in Washington’s non-unified court system. The project uses a voluntary survey to track that data for many months, with data collection continuing into May 2017. The Commission will produce a report of findings and recommendations based on those findings.



PRE-TRIAL JUSTICE, CONTINUED FROM PREVIOUS PAGE

With court calendars so crowded, bail decisions are handled quickly almost as an administrative function (with use of bail schedules), but even a \$1,000 bail “might as well be a million” for a homeless or destitute person.

The reality is that many or most judges do not know how long a defendant stays in jail after bail is set. Jails are not operated by courts and judges, and a Washington judge very likely does not know that the defendant with the \$500 bail is still in jail awaiting trial six weeks later.

Yet studies show detention before trial has enormous impacts.

Data reveals that a person held in jail is more likely to lose a job, a car, family cohesion; is more likely to plead guilty out of desperation to be released as quickly as possible to limit the damage of detention; that prosecutors know of this desperation and are less likely to offer plea deals; that the person held in pre-trial detention is more likely to get a longer sentence.

The studies also show that racial and ethnic minorities fare worse outcomes under this system because they are disproportionately pulled into and held in the criminal justice system, and with so little examination of the bail decision process, unintended biases will continue to persist.

“We need to talk about reforming the pre-trial processes — fixing what’s wrong with bail,” Jones said. Washington is a right-to-bail state, as many states are, but many potential improvements to the bail system are not expensive or extreme.

Some examples of potential improvements include:

- Consider eliminating bail and pre-trial detention altogether for low-level non-violent offenders. Other restrictions and requirements could be ordered.
- Provide more information to judges before bail hearings through short pre-hearing interviews or non-biased risk assessments. Information should include ability to pay bail among other factors.
- Provide training for judges and prosecutors on implicit — subconscious — bias and how it can manifest in a bail decision. “We all have biases,” Jones said. “It’s not about being racist, it’s a factor of our environment growing up.”
- Require a very brief written reason for a bail decision — such as “previously threatened victim,” or “no criminal history,” as a reminder that the decision has magnitude and needs some thought and reasoning.
- Institute regular reviews of bail decisions as a way to catch unintended biases or trends that have snuck into the process.

Studies show that as much as 60 to 70 percent of jail inmates can be persons awaiting trial who could not pay bail in jails used to primarily house low-level offenders serving their sentences.

Edmonds Municipal Court Judge Linda Coburn closed the symposium saying, “Now is an exciting time,” because so many individuals and groups are working hard to examine issues of mass incarceration, disproportionality and other critical justice issues.

“The goal is to seek ways where all of us can be better,” she said.

Judicial Commitment Remains Strong to End Bias and Stereotypes in Muslim Communities

Washington judges and judicial branch officials worked with the Muslim community in 2016 to exchange information. Washington Supreme Court then-Chief Justice Barbara Madsen and Washington State Bar Association President Bill Hyslop traveled to meet with members of the community at the Islamic Center of Spokane in February 2016.

“It was a very friendly and informative visit, but unfortunately the main reason for the invitation was more than social. These Washingtonians and their children are experiencing an increasing amount of bullying and harassment because of their faith,” Justice Madsen said after the visit. “They are reaching out to elected officials around the state, including judges, trying to build relationships and battle stereotypes. They are very concerned about inflammatory statements being made and more concerned that such statements are often not being challenged by other officials and community leaders.”

Madsen continued: “As members of Washington’s judicial branch, we are committed to being aware of biases of all kinds that might find their way into the justice system. Our research reports tend to contain data on the larger population

segments, but smaller groups can also be affected, and trends can shift quickly at times.”

As part of the branch’s commitment to hearing from the Muslim community, Washington judges included a training session on “Muslims and American Politics” at their annual training conference in September. The session was presented by University of Washington Professor Dr. Karam Dana.



Fourth Annual Initiative for Diversity Summit Held in May

Members of Washington’s legal community held the fourth annual Initiative for Diversity Summit in Seattle in May, with students from the state’s three law schools discussing the 15-year-old Initiative 200 (I-200), in which Washington voters barred the state from allowing any preferences in areas of public employment, public education or public contracting. While the language was simple, it erased steps being taken to try to equalize the representation of women and minorities in these sectors.

The Washington Initiative for Diversity was established in 2004 as a partnership among the state’s law firms and legal community to increase diversity in hiring, retaining, promoting and elevating diverse attorneys to leadership positions. It began after a number of research reports and task forces found that a lack of diversity in the legal

profession, particularly at higher levels, continues to be a serious problem.

The initiative defines diversity to include any population of groups that have been historically discriminated against or disadvantaged based on ethnicity, race, culture, sex, gender identity, sexual orientation, socioeconomic background, religion, age and physical abilities.

The initiative asks law firms and organizations with legal departments — such as Microsoft and Starbucks — to sign commitments and create measurable plans for improving their diversity.

More than 110 leaders from law departments, law firms, government entities, non-profit organizations, law schools and the judiciary attended the summit May 11 at the offices of Davis Wright Tremaine in Seattle.

Youth and Justice Forums Provide Important Opportunity for Students to Learn More About the Justice System

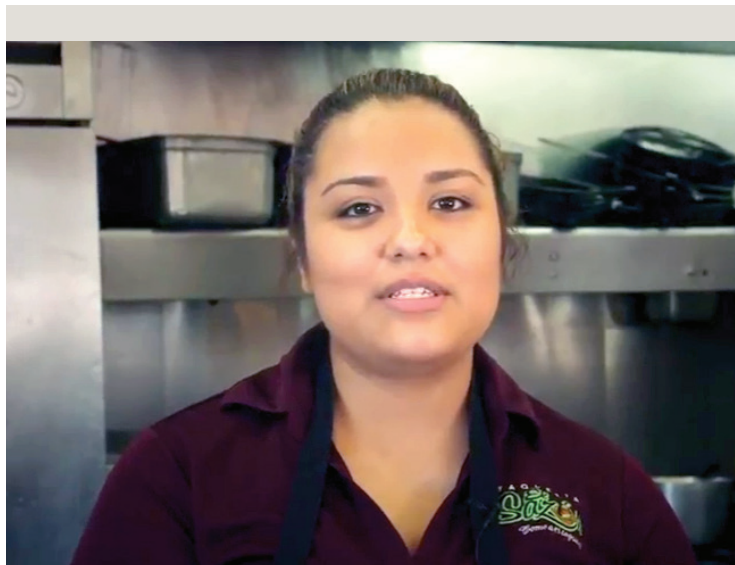
Dozens of middle and high school students from throughout the Yakima and Spokane areas attended Youth and Justice Forums in October and December to learn about different careers in law and justice, and how more diversity can improve the system. The free forums, which began in the Tri Cities, are sponsored by the Minority and Justice Commission and are being expanded to additional communities around the state. Students in grades 8 through 12 hear from such justice leaders as Washington Supreme Court Justice Mary Yu, argue fictitious cases with attorneys and judges, meet local leaders in the justice system, and much more.

The primary goals of the forums include educating middle and high school students from under-represented communities about careers and employment opportunities in the legal system; enhancing students' knowledge of legal education; helping build trust between students and those in the justice system.

"The forum gives us an important opportunity to let young people know how important they are," said Justice Yu, co-chair of the Minority and Justice Commission. "In answering their questions about the criminal justice system and providing insight into our work, we hopefully restore confidence in what we do and inspire them to join our profession someday. We want them to dream big."

Update to Groundbreaking Research Examines Impacts of Gender in the Justice System

In 2016, the Washington Supreme Court Gender and Justice Commission began work on a comprehensive update of research examining the impacts of gender on accessibility and outcomes in the justice system. The original ground-breaking research on gender and justice in Washington was presented to state lawmakers and residents 27 years ago in 1989 by the Gender and Justice Task Force, which has become the Gender and Justice Commission. The report will use new research tools and data to examine how new justice processes and institutions impact different genders and what areas need focus.



New Public Service Announcement Stresses Importance of Jury Duty

A new public service message on the need for broad participation in jury service was released in late 2016 by two judicial branch committees and TVW. The 30-second public service announcement (PSA), available in both English and Spanish, includes subtitles and focuses on the message, "Without you, there is no justice." The PSA was created at the request of the Washington Supreme Court Pattern Jury Instruction Committee, coordinated by the Public Trust and Confidence Committee of the Board for Judicial Administration, and filmed by TVW in Pasco, Washington. One aim of the PSA is reaching groups with low response rates to jury summonses such as members of minority populations.





JUSTICE CHARLES Z. SMITH

First Washington Supreme Court Justice of Ethnic Minority Heritage Passes Away at 89

Retired Washington Supreme Court Justice Charles Z. Smith, who served on the Court from 1988 to 2002, died peacefully at home with his family in Seattle on August 28, 2016. He was 89.

Justice Smith was of both African American and Cuban descent, and became the first ethnic minority judge to serve on Seattle Municipal Court in 1965, then the first to serve on King County Superior Court in 1966 when he was appointed to the bench by Governor Dan Evans.

In 1988, Smith was appointed by Governor Booth Gardner to be the 78th Washington Supreme Court justice, and the first person of ethnic minority

heritage to serve in the position.

“Justice Smith was a force in the legal community and a voice for diversity and inclusion. He reminded us that the justice system was created to serve all people,” said then Supreme Court Chief Justice Barbara Madsen, who joined Smith on the Court in 1992. “Justice Smith advocated for a purposeful, deliberate strategy to end racial bias in our courts. I was personally in awe of the man and was honored to serve with him.”

Smith was born in Florida to a Cuban father who was a mechanic and an African American mother who was a restaurant chef and the granddaughter of slaves. He attended segregated

schools and enlisted in the Army in 1945. He came to Washington state in 1952 after finishing college to visit his mother, who had moved to Seattle, and was immediately accepted into the University of Washington School of Law.

Though he could not find legal offices that would hire him, Smith was accepted as a law clerk for Supreme Court Justice Matthew Hill in 1955, the first ethnic minority in that position. Smith later said clerking for Justice Hill for nine months “opened up the law to me in a more intense manner than three years of law school,” according to author Charles H. Sheldon in “The Washington

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High Bench,” a biographical history of the state Supreme Court.

Smith went on to work for the King County Prosecutor’s Office and gained some fame for successful prosecution of labor union corruption. This gained him the notice of U.S. Attorney General Robert F. Kennedy, who lured Smith away to join a team investigating a corruption case against Teamster President Jimmy Hoffa, from 1960-64.

After he returned to Seattle in 1965, Smith was appointed to the Seattle Municipal Court, where he served until his appointment to the Superior Court in 1966. He left the bench in 1973 to serve as a UW School of Law professor and dean, launching several innovative programs, then returned to private practice until being appointed to the Supreme Court by Governor Gardner.

During his time on the Court, Smith helped establish and chaired the Supreme Court Minority and Justice Task Force in 1988, charged with researching whether racial and ethnic bias exists in the state’s justice system and with making recommendations to

eliminate it. The task force became the Minority and Justice Commission, co-chaired by Justice Smith for years after his retirement from the Court, and is still highly active today.

“I had the privilege of serving — at his insistence — with Justice Smith on the Minority and Justice Commission while I was a lawyer in the King County Prosecutor’s Office,” said Supreme Court Justice Mary Yu. “He ran a tight ship and made sure that we were always focused on the mission of eradicating bias within our court system. I remained on the Commission through the years and today, it is with great honor that I serve as co-chair of the Commission with his long-time friend and colleague, Justice Charles Johnson. We will keep his legacy alive and bright.”

With Smith at the helm, Washington was one of four founding states — including New Jersey, Michigan and New York — that in 1988 formed the National Consortium on Task Forces and Commissions on Racial and Ethnic Bias in the Courts. Smith remained active at the national and international level for many years, advocating for states nationwide to form commissions to battle racial bias in the courts.

“He was a man of great integrity, vision and organization. He exhibited a clarity of thought and purpose that I envied,” said Justice Charles Johnson, who joined the Supreme Court shortly after Smith in 1991 and has co-chaired the Minority and Justice Commission since 1998. “He helped found our Commission and then helped other states establish commissions on race and justice. He had a profound impact on the judicial branch by promoting inclusiveness and fairness both nationally and internationally.”

In addition to his work on racial justice, Smith was known to advocate for treatment over incarceration for accused persons addicted to drugs or alcohol, to advocate for scholarships and training programs for individuals charged with prostitution, and to work toward fairness on immigration and other issues.

“Justice Smith was a pioneer in Washington, accomplishing many firsts,” said Justice Steven González, who was appointed to the Court in 2012 and counts Smith as one of his mentors. “He was a mentor to hundreds of lawyers and judges and his influence lives in us, in his opinions, and in the Minority and Justice Commission he founded.”



JUSTICE FOR ALL

The intersection of income and justice has long been a concern of Washington's judicial branch, whose core mission is to ensure justice is administered equitably. With the advent of new research, more detailed understanding is emerging of specifically how monetary resources affects outcomes in the court system. This is leading to new efforts to mitigate the impact of middle or lower incomes on fair outcomes in Washington's justice system.

Growing Vulnerable Population Now Has WINGS

After launching in late 2015, an effort to help courts and communities successfully handle the coming Baby Boomer age wave has taken flight, so to speak, with a second statewide summit, a new Website, newly adopted recommendations, creation of an online community and listserv group, and plans for new workgroups and actions in 2017.

Washington's Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a statewide network of professionals and individuals who help assess the needs of the aging population so vulnerable seniors can get assistance, and courts and communities will not be overwhelmed.

"It's not just about guardianship," said Shirley Bondon, manager of Office of Guardianship and Elder Services at the Administrative Office of the Courts. "How do you interview someone who is elderly? How do you handle access to the courts? Many elders don't use technology. How do they access representation? There could be a lot more ADA issues, more protection orders involving elder abuse. More issues around loss of rights."

Within the next 15 years, for the first time in our history,

"there will be more people in this country over the age of 65 than children starting grade school," said Washington State Court Administrator Callie T. Dietz. "Courts, like the rest of society, must get prepared for this major cultural change."

The need is expected to be huge, Bondon agreed, and policy makers should be discussing alternatives to traditional guardianship such as supported decision-making.

Some individuals may function well with "decisional support," a less extensive alternative to guardianship. This may include durable power of attorney for financial or health decisions, living wills, senior shared housing arrangements, money management services, and other options.

With coordination and planning, courts and communities can begin (or continue) developing education and services for this population, which is where the WINGS effort comes in.

In 2015, Washington became just one of 10 states to be named by the National Guardianship Network as a WINGS state. The network now has numerous sponsors from the judicial branch, service agencies and foundations, and AOC's Office of Guardianship and Elder Services is working to grow those partnerships and provide support everywhere it can.



- The number of people **over age 85** will **double** in the **next 20 years**.
- Approximately **107,000 Washingtonians** currently have **Alzheimer's disease or other dementia**, which is estimated to more than **double by 2040**.

Relicensing Programs Give Drivers More Options



Washington state attorneys, judges, courts, community groups and lawmakers are working toward widespread development of relicensing programs that give state drivers with suspended licenses options other than sinking deeper into trouble with debt, criminal charges, and incarceration.

The Northwest Justice Project (NJP) first identified the need for a statewide relicensing/cashiering system over four years ago when it recognized the lack of a valid driver's license as a key impediment to employability among low-income persons. In 2014, project members convened two summits, one on each side of the state, to identify barriers to relicensing and then presented the information and recommendations to the Board for Judicial Administration (BJA), the District and Municipal Court Judges' Association (DMCJA) board, and to the state Supreme Court.

In April 2016, Washington state legislators approved a bill requiring the state attorney general to form a workgroup that will develop recommendations for "the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan."

The bill requires the Attorney General's Office to submit a report detailing its recommendations for a plan and program to the state Supreme Court no later than December 1, 2017.

Relicensing in the courts

The NJP's efforts revealed that more than 375,000 Washingtonians statewide had Driving While License Suspended 3rd Degree (DWLS 3) suspensions, posing a barrier to employment, access to health care and family reunification. DWLS 3 accounts for nearly a third of annual misdemeanor filings, and arrest and conviction costs of more than \$100 million annually.

License suspensions fall most heavily on persons of low-income and on racial and ethnic minorities. It was discovered that a central problem for many individuals was having citations in multiple jurisdictions with little or no uniformity in dealing with payments and license reinstatements.

Several Washington municipal and district courts have already developed relicensing programs in conjunction with their local prosecutors, city attorney offices and community groups.

In King County, drivers can consolidate traffic fines from district

court and some municipal courts into a single community service or payment plan. Clark and Cowlitz counties and the cities of Tacoma and Tukwila also have relicensing programs.

In the Spokane area, drivers can consolidate fines from Spokane and Pend Oreille counties and the cities of Spokane, Cheney, Airway Heights and Medical Lake into a single plan. The Spokane program launched in 2008 when budgets were being slashed but caseloads for the CLJ courts, public defenders, prosecutors, police and corrections officers were still high and mostly made up of DWLS 3 cases, which involved non-payment of fines.

The Community Relicensing Program was created as a diversion program through the Spokane Prosecutor's office, and a second program for cases that don't qualify for diversion was developed by the Center for Justice in Spokane.

Since inception in 2008, the Spokane program has collected more than \$5 million in fines, while drivers assigned to collection have only paid about \$620,000. At the same time, prosecution and incarceration for DWLS 3 have dropped significantly.

National concern

Relicensing efforts are related to a larger national examination of legal financial obligations (LFOs) and bail practices that result in large incarceration numbers. (See page 7 for story on the Pre-Trial Justice Symposium.)

In February, the National Center for State Courts (NCSC) announced the formation of the National Task Force on Fines, Fees and Bail Practices "to address the ongoing impact that court fines and fees and bail practices have on communities — especially the economically disadvantaged — across the United States."



MINORITY & JUSTICE COMMISSION

Sizable Grant Obtained for LFO Reform

The Washington Supreme Court Minority and Justice Commission in September was awarded a three-year, \$500,000 grant by the U.S. Department of Justice (DOJ) to seek out strategies to structure legal financial obligations (LFO) “in ways that support, rather than undermine, rehabilitation.”

It was one of five grants awarded to states around the U.S. through the DOJ’s grant program titled, “The Price of Justice: Rethinking the Consequences of Justice Fines and Fees.” The other states receiving grants included California, Louisiana, Texas and Missouri.

“I am so pleased and honored to have our state selected for this grant. It provides us with an opportunity to further examine an issue we have been concerned with for a number of years — the disproportionate impact of legal financial obligations on minority populations and poor people,” said Washington Supreme Court Justice Mary Yu, Co-Chair of the Minority and Justice Commission.

“The DOJ grant will allow us to capture data that we sorely need in order to come up with alternatives or solutions,” Yu said.

The successful grant proposal was developed with input from

dozens of judges, attorneys, court officials and stakeholder groups, who will remain involved as the project moves forward toward recommended changes.

Tipping point

Serious problems associated with LFOs have been building for a number of years. The American Civil Liberties Union (ACLU) and National Public Radio (NPR) have produced high-profile reports on “debtors’ prisons” about individuals jailed for non-payment of court fines and fees, and in some cases, for non-payment of other debts as well.

In 2008, the Minority and Justice Commission issued a report finding that LFOs often create a cycle of poverty and incarceration. While the fines met the state’s goal of having offenders be financially responsible for their actions, the fines severely inhibited the goal of reducing recidivism and helping past offenders rejoin their communities.

The Commission later created an LFO Reference Guide for judges in all trial court levels in Washington.

In 2014, the ACLU of Washington produced a report, “Modern

LFO REFORM, CONTINUED ON NEXT PAGE

“ I am so pleased and honored to have our state selected for this grant. It provides us with an opportunity to further examine an issue we have been concerned with for a number of years. ”

JUSTICE MARY YU
Minority and Justice Commission, Co-Chair

Day Debtors' Prisons: How Court-Imposed Debts Punish Poor People in Washington," investigating practices in some Washington counties and profiling former offenders strongly impacted by LFOs.

In mid-2015, the Washington Supreme Court issued an opinion in *State v. Blazina* "that a trial court has a statutory obligation to make an individualized inquiry into a defendant's current and future ability to pay before the court imposes LFOs."

The three major prongs of Washington's plan for the grant include:

- Creation of an LFO Stakeholder Consortium — This will be a forum for collaboration, sharing data and information, assessment of the issues, and much more.
- Study of LFO "big picture" — A study will be conducted to examine both formal and informal laws and regulations governing LFOs across the state. It will look at the true costs related to LFOs, from imposition to collection, to

where the money goes after it has been collected, and the impact of LFOs on those who receive them. Significant data is needed to fully understand LFO practices and outcomes around Washington in order to develop effective policy recommendations related to LFOs.

- Development of an LFO Calculator — The third prong includes development of an interactive LFO calculator, a computer-based tool that will provide guidance to help judges determine defendants' ability to pay fines and fees and appropriate payment amounts. A type of LFO calculator was used in Edmonds Municipal Court at the end of 2015 in an effort to assist judges, and the result was an identifiable decrease in the number and amounts of LFOs assigned.

"The chance to make headway on a justice issue of great concern is exciting," Justice Yu said. "We in Washington state have an opportunity to be a leader and role model for how to imagine justice in such a way that it is accessible and dispensed fairly to all people."



Limited License Legal Technicians Filling Gap in Access to Justice

An innovative new legal position launched in Washington to help those who cannot afford to hire attorneys is gaining new practitioners now that technicians are completing schooling and passing exams.

There are now 20 Limited License Legal Technicians (LLLT) in Washington, with more students in training throughout the state. A new directory of LLLTs can be found on the Washington State Bar Association (WSBA) Website, www.wsba.org, under [Licensing & Lawyer Conduct](#).

While LLLTs can currently practice in family law only, committees of the LLLT Board are researching a possible expansion of duties and other areas of law, such as elder law, that might be appropriate for LLLTs.

Legal technicians can help clients fill out court forms and

can offer guidance in how to file forms and navigating the court process. They are trained and certified, but do not pass the Bar exam and are not attorneys, and cannot represent clients in court.

The Limited License Legal Technician Rule was adopted by the state Supreme Court in 2012. The rule was the first in the nation allowing trained non-attorneys — legal technicians — to help court users with less-complex legal needs, providing a more affordable option for people seeking help with accessing the courts.

The rule was patterned after other professions offering limited practice options such as physician assistants and nurse practitioners in the medical profession.

The LLLT Program is hosted by the WSBA, with a board overseeing the parameters and certification of the new position.

Civil Justice Reinvestment Plan Looks to Secure Support for Initial Phase

After the sobering findings of the 2015 Civil Legal Needs Study Update — that more than 70 percent of low-income households in Washington experience profound civil legal problems and the vast majority of those receive no legal assistance — the Office of Civil Legal Aid (OCLA) has submitted the Civil Justice Reinvestment Plan to the Legislature, including a budget request designed to implement Phase I of the plan.

The fruit of a nearly two-year effort by Washington State University's Social and Economic Sciences Research Center, the report provides detailed assessment of the civil legal issues of low income people which include critical problems with housing, employment, access to health care, family safety and more. The study was conducted under direction of the Washington State Supreme

Court's Civil Legal Needs Study Update Committee.

During 2016, OCLA, the bipartisan Civil Legal Aid Oversight Committee, the Supreme Court's Access to Justice Board and many others worked to develop effective policy and budgetary responses to the crisis. The Oversight Committee unanimously endorsed the resulting four-year Civil Justice Reinvestment Plan (Reinvestment Plan) and committed to securing increased legislative support to implement the plan.

The Reinvestment Plan includes four key initiatives designed to:

1. Expand the use of technology and systems innovation to enhance the ability of low-income people to understand their legal rights, make informed decisions about when and

where to go for legal help, and expand their ability to successfully solve legal problems without an attorney;

2. Expand the level of volunteer (pro bono) support provided by lawyers throughout the state, including the capacity of volunteer lawyers to use technology to serve clients in rural and remote parts of the state;
3. Expand staffed legal aid capacity to achieve a minimum access level of one FTE legal aid attorney for every 5,000 persons at or below 125 percent of the federal poverty level; and
4. Expand essential infrastructure, training and support for legal and volunteer attorneys across the state, and employ data-driven systems to monitor the effectiveness of civil legal aid system enhancements.



JUDICIAL INNOVATIONS

Washington has a non-unified court system, meaning courts receive some requirements, direction and support from their branch, but handle day-to-day operations and projects county by county. Washington courts are innovative and constantly working to improve the delivery of justice to their communities. This section includes a few examples of their efforts in 2016.

GRAYS HARBOR

Program Partners to Reform Approaches to High-Risk Youth



The Grays Harbor Juvenile Court, Superior Court, Health Department, three school districts and other community groups have partnered to reform the county approach to caring for truant and at-risk youth and minor juvenile offenders. Called the “Grays Harbor Youth System of Care Modernization Project,”

the initiative was funded with a one-tenth of 1 percent sales tax to improve services to Grays Harbor youth heavily impacted by substance abuse, mental health disorders and social problems. These youth have primarily found themselves in juvenile court and juvenile detention.

The program calls for identifying high-risk youth before they become involved with the juvenile justice system and to develop a series of connected services — such as functional family therapy, aggression replacement training, school re-engagement and more — that can help families and put youth on a healthier track. The program is overseen by the new Grays Harbor County Youth System of Care Steering Committee.

LAKE FOREST PARK

Step-by-Step Planning Motivates Newly Released Individuals To Avoid Future Incarceration



Lake Forest Park Municipal Court developed a new program to help motivated offenders find a better track so as to avoid new charges and incarceration. The Release and Planning Services (RAPS) program connects released persons with counselors to design customized, step-by-step plans to achieve specific

goals. Research shows that released persons experience multiple problems and that key needs include education, housing, employment and support in order to successfully change directions.

Lake Forest Park Municipal Court Judge Linda Portnoy and Court Administrator Kelley Gradwohl also arranged for a regional training session with other courts and probation departments on the reasons for and impacts of the heroin epidemic being experienced in Washington. The session was meant to help judges, court officials and probation officers better understand and make plans for dealing with offenders who are addicted to heroin.

OLYMPIA

Community Court Program Aims to Close Revolving Door



Olympia Municipal Court launched a Community Court program in early 2016 aimed at reducing the revolving door of charges and incarceration for some low-level offenders. The program seeks to connect people with help filling basic needs — housing, health care, and employment — so they can get back on their feet and

halt the cycle of committing offenses. The program was made possible through a \$200,000 grant from the Center for Court Innovation; Olympia Municipal was one of two Washington courts to receive grants.

Defendants can apply to go through the Community Court program and can have charges dismissed or converted to infractions if they complete requirements. Probation officers and service providers gather information and report to judicial officers, who set requirements based on each individual to take such steps as attend counseling, renew education, find employment, find stable housing, start addiction treatment and other actions as ordered by the court. Participants must also come back to court regularly for reviews until they have made enough progress for the case to be concluded. Olympia will track data on outcomes of Community Court cases for a later report.

BENTON

New Mental Health Court Opens to Non-Violent Offenders



The Benton County Mental Health Court began accepting participants at the beginning of 2016, working to divert persons with mental illnesses from jail. The court was funded through a public safety tax supported by voters in 2014. The program works with non-violent offenders who have been diagnosed with

serious mental illnesses. They are required to meet regularly with the court, take medication if prescribed, follow treatment plans, stay sober, and work on life tasks such as employment and schooling.

SPOKANE

Generous Grant Awarded to Reduce Jail Population and Ethnic Disparities



Spokane County received a \$1.75 million grant in April 2016 from the John D. and Catherine T. MacArthur Foundation to work on reducing its jail population and racial and ethnic

disparities in its justice system. The grant was one of 20 awarded around the U.S. in the MacArthur Foundation's "Safety and Justice Challenge" which seeks to reduce over-incarceration by changing the way America thinks about and uses jails, with one focus on pre-trial justice steps such as bail, risk assessments, information for judges, and more.

Spokane Detention Services is the lead agency for the grant, charged with developing a system including risk assessment, community supervision and treatment; new prosecutor diversion alternatives; improved jail-based mental health intervention; and measures to help reduce racial and ethnic disparities.

Spokane County Superior Court also expanded its Parents for Parents program to reach out to incarcerated parents whose children are in the dependency system. The Incarcerated Parents Helping Other Parents Engage (HOPE) class is designed to empower parents with information so they can navigate the child welfare system from within detention. This project aims to increase family reunification and reduce recidivism in adults and youth in Washington state. The class recently won the Social Entrepreneur Award from Students Serving Washington. It launched at Geiger Corrections Center in January 2016 and will continue to expand in early 2017.

LAKEWOOD

Launch of Veterans Court Helps Former Military Members



Lakewood Municipal Court launched a Veterans Court in 2016 to help former members of the military avoid future charges through services and ongoing support and regular monitoring. The court also initiated video hearings for incarcerated defendants,

which provides more timely hearings for recently arrested persons and results in substantial cost savings for the court and county.

MASON

New Programs Aim to Reduce Recidivism Rates



The Mason County District Court implemented two new programs through its probation department aimed at reducing the number of people who return to court and jail for reoffending.

The first program adopts Moral Reconnection Therapy (MRT), a cognitive behavioral counseling program that combines education, group and individual therapy and structured exercises designed to foster moral development. The pilot program serves as an alternative to incarceration for charges of domestic violence, multiple DUIs, or for those who have resisted other forms of treatment and intervention. The program is showing some early signs of success.

The probation department also established a Veterans Compliance Group for veterans on active probation, a different approach to probation appointments which gives veterans a chance to talk with service providers and experts on a monthly basis. Probation staff members completed training in working with people suffering from Post Traumatic Stress Disorder (PTSD), as many veterans do.

KING COUNTY

Unique Approach to Handling Juvenile Family Violence Implemented



A coalition of justice leaders in King County developed and implemented the Family Intervention and Restorative Services (FIRS) as a new approach for handling juvenile family violence. Historically, juvenile domestic violence constituted one third of

bookings into detention, more than any other offense. The old model for handling juvenile domestic violence was not working — formal processing introduced an adversarial relationship to the family that required adjudication before services could be provided, with families commonly waiting for several months to receive services at a time of crisis.

In FIRS, an alternative response that no longer utilized detention or formal prosecution was designed. Starting January 1, 2016, the FIRS team was assigned to respond to juvenile family violence cases referred to King County Juvenile Court. Within hours of being presented, youth are met by FIRS staff members and the families are engaged by the Step-Up Social Workers. All cases are carefully staffed and triaged for the appropriate interventions and services to be offered. Families complete a safety plan that assists them in dealing with future incidents. Youth are offered services and enter into a FIRS agreement to avoid formal court processing.

The program also includes opening of a small respite center in a converted section of Juvenile Detention, staffed 24 hours a day, where youth can remain until it is safe to return home or to locate another place for them to stay.

By the end of 2016, about 400 youth had been referred to FIRS and half had signed agreements and agreed to join in interventions. Prior to FIRS, only 3 percent of juveniles with domestic violence charges had been involved in interventions.



YAKIMA

Innovative Pre-Trial Services Program Intends to Reduce Lengthy Jail Stays

Yakima trial courts launched an innovative Pre-Trial Services program early in 2016 in an effort to reduce lengthy stays in jail caused by delays in bail hearings and by a defendant's lack of income to afford even small bail amounts.

The new program requires release decisions within 48 hours of arrest, the presence of prosecutors and defense counsel at these hearings, use of a new risk assessment tool, and more information for judges to make decisions. The program includes four levels of pre-trial release that include varying levels of required contact with the court, depending on charges filed.

In the first six weeks of Yakima's program, the average time for a "meaningful" bail or release decision decreased from 14.7 days to 1.7 days, and the county's jail now averages 50 fewer inmates per day.

The mission of the program is to, "Assist the court in making custody release decisions by using evidence based practices to provide timely, accurate investigative reports and client supervision services that support early intervention, personal improvement and the preservation of public safety."

WHATCOM COUNTY

Pilot Program Relies On Increase in Personal Contact to Reduce Incarceration Rates



Whatcom County District Court has launched a new Monthly Pretrial Check-in Reporting program in an effort to reduce the incarceration of persons waiting for trial on charges. The pilot program is based on research showing that

consistent periodic contact with the court increases the likelihood of compliance with court ordered conditions of behavior and appearance at future court hearings. Defendants released under the pilot program will be required to make personal contact with the court's probation department on a monthly basis until pending charges are fully resolved. Each defendant is assessed a single \$25 fee for the supervision which can be paid across 90 days or satisfied by performing community service.

Also addressing the issue of court appearances, Whatcom County District Court instituted a Phone Call Reminder Program in which all defendants with a scheduled arraignment or probation hearing receive a reminder call before the hearing. In the first full year of the program, more than 4,000 reminder phone calls were made. The failure-to-appear rate for probation hearings dropped from 38 percent to 22 percent. The failure to appear rate for arraignments dropped a more modest 2 percent.

The court also celebrated its first graduates from its new Mental Health Court — which serves both Whatcom County District and Bellingham Municipal Court — in late 2016. Launched in early 2015, the approximately two-year program involves intense supervision, weekly court hearings to monitor goals, and connection to treatment and other social services. The program now has 23 participants.

2015 Caseload Statistics

Statistics on the caseloads of the courts of Washington are compiled from the Judicial Information System (JIS) to provide a detailed overview of the case work of the courts. This page contains one chart from each court level in the state. Dozens of charts are available on the numbers of case filings, types of cases, proceedings and outcomes from the most recent year calculated, as well as hundreds of archived charts for past years' case activities online at www.courts.wa.gov/caseload. Visitors to this page can also sign up to be notified when the most recent reports are available.

Courts of Limited Jurisdiction

2015 CASE FILINGS (BY TYPE, EXCLUDES PARKING)

	FILED
Infractions	
Traffic	810,635
Non Traffic	35,845
Misdemeanors	
DUI/Physical Control	26,363
Other Traffic	73,948
Non Traffic	104,953
Felony Complaints	5,634
Civil	118,981
Civil Harassment Protection	7,282
Domestic Violence Protection	1,755
Sexual Assault Protection	73
Stalking Protection	409
Small Claims	14,500
Total	1,200,378

Supreme Court

2015 COURT ACTIVITY (BY SOURCE OF REVIEW)

	TRIAL COURTS	COURT OF APPEALS	ORIGINAL ACTIONS	WSBA (CJC)	CERTIFIED ISSUES	TOTAL
Filings	172	1,154	120	112	7	1,565
Resolutions	161	1,113	27	98	1	1,400
Pending at Year End	68	598	8	22	6	702
Mandated	175	1,208	136	101	4	1,624

Superior Courts

2015 COURT ACTIVITY (BY TYPE)

	FILED	RESOLVED	COMPLETED
Criminal	41,287	39,319	39,531
Civil	108,062	105,839	105,175
Domestic	38,717	37,592	37,645
Probate/Guardianship	23,044	21,455	17,309
Adoption/Parentage	6,696	6,426	6,482
Mental Illness/Alcohol	11,603	10,946	11,456
Juvenile Dependency	19,701	18,263	18,406
Juvenile Offender	11,198	11,146	10,878
Total	260,308	250,986	246,882

Court of Appeals

2015 COURT ACTIVITY

	DIVISION I	DIVISION II	DIVISION III
Filings	1,421	1,245	929
Resolutions	1,499	1,395	763
Pending at Year End	1,159	1,086	935
Mandated	1,501	1,462	920



ADMINISTERING JUSTICE

The judicial branch is an independent and co-equal branch of government that works in conjunction with the other two branches — the executive and legislative branches — to provide government services and protect the rights of Washington residents. The rules and policies regulating how courts and the judicial system function are administered within the branch. The primary governing body is the state Supreme Court, which receives recommendations for rule adoptions and policy changes through the branch's boards and committees. Chief among those entities recommending policy changes is the Board for Judicial Administration. Individual courts also develop local court rules, with judges in charge of their court governance. This section includes examples of rule changes and policy recommendations completed in 2016.

BJA Accomplishments of 2016

The Board for Judicial Administration consists of judges from all levels of court selected for their commitment to judicial administration and court improvement. The majority of the BJA's work takes place in its four standing committees focusing on areas essential to administering justice in Washington state.

The Court Education Committee is charged with improving justice by fostering effective education. The committee in 2016:

- Identified court education available to administrators, county clerks and line-staff, and gaps in education.
- Received a State Justice Institute grant to help develop goals and conduct a judicial leadership retreat.

The Policy and Planning Committee is charged with developing engagement around policy matters affecting the courts, identifying priority issues, and developing strategies to address those issues. The committee in 2016:

- Developed a plan to review the mission, vision and strategic goals of the BJA.

- Convened stakeholder workgroups to identify and address areas in which the judicial branch can make improvements.

The Legislative Committee is responsible for developing legislation on behalf of the BJA and to recommend positions when bills affect all levels of court or the judicial branch. In 2016 the committee:

- Tracked 25 bills and took positions on nine.
- Passed HB 1111 updating court transcriptionist statutes and implementing Court Management Council recommendations regarding the adopted court rule.
- Compiled the 2016 Legislative Summary and disseminated it to BJA, judges, clerks and court administrators.

The Budget and Funding Committee coordinates efforts to achieve adequate, stable, long-term funding for Washington's courts and to makes recommendations on proposed budget requests. In 2016 the committee:

- Developed criteria to review budget requests.
- Developed budget reduction criteria as a guide in recommending cuts when necessary.

SUPREME COURT REVIEWS 125 COURT RULES IN 2016

The full text of statewide rules governing the Washington judicial system can be found under the [Rules](#) section of the Washington Courts Website. For information about the process to create or change rules, refer to [GR 9 - Supreme Court Rulemaking and Schedule for Review](#), also located in the Rules section of www.courts.wa.gov.

In 2016, the Supreme Court reviewed approximately 125 recommended rules and related regulations and adopted 25 rule changes. Approximately 69 rules were still in the comment period at the end of the year. Examples of rules adopted, with various effective dates, included:

- [General Rule 27 - Courthouse Facilitators](#) expands the courthouse facilitator program from family law to include guardianship.
- [General Rule 14.1 - Citation to Unpublished Opinions](#) and [RAP 13.4\(b\) - Considerations Governing Acceptance to Review](#) allows parties to cite unpublished opinions of the Court of Appeals filed on or after March 1, 2013 as nonbinding authority and RAP 13.4(b) clarified the circumstances in which Supreme Court acceptance of review is mandatory.
- [Civil Rule \(Superior Court\) 28\(e\) - Persons Before Whom Depositions May Be Taken - Final Certification of the Transcript](#) adds a new subsection, (e), to prevent a court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript from altering the format, layout, or content of the transcript after it has been certified.
- [Civil Rule Limited Jurisdiction \(CRLJ\) 26 Discovery](#) removes time limits for discovery in limited jurisdiction courts to be consistent with the types of civil cases now being heard in CLJ courts.
- [Admission to Practice Rule \(APR\) 20-25](#) changes Washington's character and fitness to practice law procedures to align with recent interpretations of the Americans with Disability Act (ADA).

COURT RULE AND POLICY CHANGES IN WASHINGTON COURTS TODAY

Examples of previous court rule and policy changes and how they affect Washington courts today:

Access to Judicial Administrative Records, General Court Rule (GR) 31.1

The Supreme Court approved GR 31.1 to provide regulations and guidance to courts and judicial branch agencies in responding to public requests for administrative records (as opposed to case records). The new court rule facilitates timely, open, and consistent responses by courts and agencies of the judicial branch.

The rule became effective January 1, 2016. By mid-year, courts answering a survey responded they had seen modest increases in requests for records. The Administrative Office of the Courts (AOC) produced a self-paced education module to help courts with questions and with guidance on implementing the rule. In 2016, the Administrative Office of the Courts responded to about 235 requests for administrative records of the Supreme Court, Court of Appeals, and the AOC.

Limited License Legal Technician, Admission to Practice Rule (APR) 28

Approved in 2012, this rule established a new legal position, the first in the nation, to provide less-complex legal services to clients who might not need (or be able to afford) the services of a full attorney. The Supreme Court ordered a plan for setting parameters and criteria, training, testing, certification, ethics and monitoring. With program elements in place, 20 LLLTs are now licensed to practice in Washington in the area of family law, with more students and additional programs in place around the state.

Plain-Language Court Forms for Family Law Cases

New family law court forms using plain language in place of legalese became effective in May 2016, and required in July 2016. Nearly 200 family law forms, which are often used by non-lawyers representing themselves in court during family law cases, were translated into easier to understand "plain" language as part of a joint project of the Washington State Access to Justice Board, the Washington State Bar Association, the Administrative Office of the Courts, with the encouragement of the state Supreme Court. The forms aim to increase clarity and understanding, help court users achieve personal and legal goals while reducing confusion and delays in the courts.



TECHNOLOGY AND JUSTICE

Technology is rarely the first thing that comes to mind when the justice system is discussed, if it comes to mind at all. This can sometimes impede support and funding for modernization of technology systems that can be important allies in opening access to justice services for all, as well as provide the critical information and case-management abilities that judges and court staff need to do their jobs. Following are some activities of the judicial branch in 2016 toward improving technology.

Superior Court Case Management System Successful in Nine Counties

Five more Washington counties — Snohomish, Whitman, Garfield, Asotin and Columbia — implemented the new Odyssey case management system for Washington superior courts in 2016.

They joined Lewis, Thurston, Franklin and Yakima counties in adopting the new system.

“The launch went better than I expected,” Snohomish County Superior Court Administrator Marilyn Finsen said. “I have been through a few software conversions in previous jobs so I understood what we were up against.”

The SC-CMS Project to replace the 40-year-old SCOMIS system now in use by most Washington superior courts began in 2010, following a request for a more

functional and efficient system made by the Superior Court Judges’ Association in conjunction with the Association of Washington Superior Court Administrators and the Washington State Association of County Clerks.

The Odyssey case management system by Tyler Technologies will be adopted by

SC-CMS, CONTINUED ON NEXT PAGE





Staff members from Snohomish County Superior Court, Snohomish County Clerk's Office, the Administrative Office of the Courts and Tyler Technologies prepare to launch the Odyssey case management system in the court and clerk's office in early May, 2016.

SC-CMS, CONTINUED FROM PREVIOUS PAGE

nearly every superior court and county clerk office in the state by the end of 2018. The next courts to implement Odyssey in May of 2017 include those in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, Skamania, and Wahkiakum counties.

Lewis County Superior Court Administrator Susie Parker said she has seen launches improve with each successive implementation of the Odyssey system. Lewis County served as the Odyssey pilot court in June 2015, and Parker has served as an advisor helping new courts at each implementation since.

"I credit AOC and Tyler for recognizing the need to improve the training for users and the selection process for power users and super users," she said. "I applaud the counties who have allowed their staff to get the necessary training, which was very limited at pilot court implementation, ahead of time."

First Technology and Justice Symposium for ATJ

The Access to Justice Board conducted its first "Technology and Justice Symposium" in September at the University of Washington School of Law, bringing together members of the technology and justice communities to discuss problems and solutions involving access to justice through technology. The symposium was led by the ATJ Board's Technology Committee, and is intended to continue in future years to provide a forum for discussing issues and sharing ideas for improvement. Washington Supreme Court then Chief

Justice Barbara Madsen gave the opening remarks.

The goal of the symposium is to build implementation of the Access to Justice Technology Principles through conversations and by connecting individuals from a variety of backgrounds. Among the issues discussed at the first symposium was an evaluation and update of the Access to Justice Technology Principles, adopted by the Washington Supreme Court in 2004.

Major Milestone Reached with RFP for Courts of Limited Jurisdiction Case Management Project

A Request For Proposal (RFP) was released nationally in late August seeking vendors with case management systems that would meet the needs of Washington's courts of limited jurisdiction (district and municipal courts). The RFP release was an important milestone, representing many months of work by court staff members, judges, technology experts and the Administrative Office of the Courts to identify the hundreds of detailed requirements for a modern system that would serve the CLJ courts and probation departments.

Release of the RFP was approved unanimously by the Courts of Limited

Jurisdiction Case Management System (CLJ-CMS) Project Steering Committee and the Judicial Information System Committee.

The 30-year-old information system currently serving CLJ courts, DISCIS, "has been a great workhorse for courts of limited jurisdiction for a long time, but it just isn't very efficient in this on-demand world. Wouldn't it be great to point and click instead of memorizing countless codes to navigate?" said Issaquah Municipal Court Administrator Lynne Campeau. "Think of all the work-arounds that courts use now to get the job done."

The CLJ-CMS committees and team

have been working for more than a year laying the groundwork for bringing a modern case management system to CLJ courts. In January 2016, the project kicked into high gear when \$3.7 million provided by state legislators for the project became available for use.

Project staff members have been hired and an outside quality assurance company — Bluecrane, Inc. — has been contracted to watch over the project and report to the Steering Committee.

Now that critical groundwork has been completed and staff hired, the CLJ-CMS Project moves into the next phase of acquiring a system to serve the courts.





SUPPORTING JUSTICE

After judicial branch leaders adopt rules and policies, approve new projects, develop new goals and focus areas, it is up to judicial branch staff to implement these decisions in addition to maintaining all current operational needs and efforts. Operations are handled by the staff members at individual courts, as well as by statewide agencies such as the Administrative Office of the Courts (the primary support agency for Washington's non-unified court system), the Washington State Bar Association, the Office of Public Defense, the Office of Civil Legal Aid and the Commission on Judicial Conduct. Many operational activities of these agencies are listed in other areas of this report, but other examples of behind-the-scenes work in 2016 to keep justice up and running include:



Domestic Violence Manual and Other Bench Guides Extensively Updated in 2016 Release

A bench guide is a reference for judicial officers and court officials that compiles information on law changes, court rules, court processes and other information on legal and non-legal considerations in specific types of cases.

In 2016, the Washington Supreme Court Gender and Justice Commission released an extensively updated Domestic Violence Manual for use by Washington judicial officers presiding over domestic violence cases. More than two dozen state and tribal court judicial officers, attorneys, professors of law, experts, and student researchers contributed to the update, which was funded through a federal grant program. The last edition of the bench guide was in 2006. The Domestic Violence Manual provides updated information on laws, policies, procedures, and social science research involving pre-trial issues, civil and criminal cases, evidentiary issues, protection orders, parenting plans, child abuse and neglect, tribal courts, domestic violence assessments, mandated treatment and more.

Other benchbooks created or updated in late 2015 and 2016 include the revised 2016 Infractions Benchbook (containing a new section on photo enforcement, expanded information regarding natural resource and civil infractions and an updated penalty and assessments section); the 2016 Criminal Caselaw Notebook by Judge Ronald Kessler; Driving Under the Influence (DUI) bench guide; the Search and Seizure Deskbook by retired Judge Robert McBeth; and the Special Immigration Juvenile Status Benchbook and Resource Guide.



Roll Out of New Assessment Program Helps to Provide More Effective Support for Youth

The Washington State Center for Court Research in 2015 and 2016 rolled out a new assessment program, the Washington Assessment of Risks and Needs of Students (WARNS), designed to assist schools, courts, and youth service providers with assessing the risks and needs of individual students or groups of students in order to provide more effective interventions and services.

The program, part of the Models for Change Initiative funded by the John D. and Catherine T. MacArthur Foundation, is an 80-item self-report measure for 13-18 year old students. Juvenile courts and other agencies throughout Washington were critical to the development of WARNS, including the Center for Youth Justice, juvenile courts in Benton-Franklin, Clark, Pierce, Spokane and Thurston counties, as well as Educational Service District 101 and West Valley High School in Spokane.



Judicial Campaign Booklet Guides Candidates to Campaign in Compliance

Guidance involving [judicial campaigning in 2016](#) is posted on the Washington Courts Website listed under the Ethics Advisory Committee (EAC) section of the Programs and Organizations tab. The web page includes a 139-page booklet that provides an overview of the Code of Judicial Conduct as it pertains to campaigning, and lists opinions and comments from the judicial Ethics Advisory Committee (EAC) to campaign questions. The site also includes a video of the EAC's Judicial Campaign Forum held on March 30, 2016 at the SeaTac office of the Administrative Office of the Courts.



Interpreter Program Adds to Growing List of Credentialed Interpreters

In 2016, the State Court Interpreter Program issued interpreter credentials to 16 individuals covering eight languages, from Ilocano to Samoan, Czech, and Lithuanian. The state Office of the Deaf and Hard of Hearing collaborated with the Court Interpreter Program to issue credential status to over 25 sign language interpreters who meet standards that exceed those of many other state court systems. The program also conducted ethics training for interpreters.

The Court Interpreter Program now provides state courts with 327 credentialed interpreters in 43 languages. Washington is one of the top 10 states in the nation for refugee resettlement, and state courts have received requests for help in more than 150 languages.





AOC's Judicial Education Department Provides Quality Training for Judges, Clerks, and Court Staff

Continuing education is mandatory for judges, judicial officers and attorneys, and represents an extensive amount of work to coordinate and conduct across the state. Judicial education is overseen primarily by the Board for Judicial Education's Court Education Committee and is carried out by the Judicial Education department of the Administrative Office of the Courts, which also conducts training for new court employees, county clerks and court administrators.

In 2016, the Judicial Education department provided 2,856 hours of education programming to 1,780 judges, clerks and court staff. Training events include Judicial College for new judges, Institute for Court Management, Institute for New Court Employees, spring conferences for judges of different court levels, an annual educational conference for all judges in the state, a fall conference for presiding judges, training specifically for court line staff, and more. The Education department also provides numerous webinars and self-paced online modules.



Online Resources Provide Information on Work Being Done Behind the Scenes

To learn more about all the work being done behind-the-scenes to support the judicial branch, visit the Administrative Office of the Courts at www.courts.wa.gov, the Office of Public Defense at www.opd.wa.gov, the Office of Civil Legal Aid at www.ocla.wa.org, and the Commission on Judicial Conduct at www.cjc.state.wa.us, and the Washington State Bar Association at www.wsba.org.



Lives Changed Forever for Washington Foster Children Adopted into New Families

More than 120 Washington state foster children were adopted into new families in November 2016 during community celebrations where courts and social service offices observed the state's 12th annual National Adoption Day. The public and media were welcomed at these events where the goal was to raise awareness of the many foster children in Washington available and waiting to be adopted. In November, there were more than 9,000 Washington children in foster care, and more than 1,400 were legally free to be adopted into new families. While adoptions usually happen in closed court, National Adoption Day celebrations allow willing families to share their stories and their special day, with the hope that other parents will consider looking into foster adoption.

Celebrating counties in 2016 included Whatcom, Cowlitz, King, Skagit, Benton, Franklin, Snohomish, Kitsap, Thurston, Grays Harbor, Grant, Spokane, Yakima, Pierce, Island, San Juan, Clallam, Clark, Chelan and Douglas. "When a foster child is adopted into a new family, their lives change forever. They find the stability and nurturing they need to become confident adults," said King County Superior Court Judge Dean Lum, Chairman of the Washington State National Adoption Day Steering Committee, who was himself an adopted child.

Washington's statewide celebration was launched in 2005 by the state Supreme Court Commission on Children in Foster Care and is co-sponsored by the Department of Social and Health Services Children's Administration, the Administrative Office of the Courts, the Superior Court Judges' Association and by WARM 106.9's Teddy Bear Patrol program. National Adoption Day was founded by a handful of courts, child welfare agencies and businesses in 2000 to raise awareness of the thousands of foster children awaiting adoption.



JUSTICE IN ACTION

Helping younger generations learn about the judicial branch and what it means to them is a role taken seriously by Washington judges, attorneys and judicial branch members. Many court educational programs have been around for decades, and 2016 saw the development of an ambitious Civic Learning Initiative which launched in January 2017.

Statewide Initiative Seeks to Improve Civic Education for All Washington Students

If the idea of 10-year-olds playing judge or governor, president or lawmaker seem odd, perhaps it shouldn't.

For many years, an increasing focus on math and science education and high-stakes testing has pushed civics education into a quaint corner of the education system — almost an after-thought. Meanwhile, studies continued to show an eroding understanding of U.S. government even among American adults. A recent survey found that only one-third of adults could name all three branches of government, while another third could not name even one.

An ambitious new Civic Learning Initiative in Washington state seeks to change that with a statewide effort to improve civics education for all Washington students. The Initiative plans to build public-private partnerships throughout the state, to create an interactive iCivics-Washington website with games for students and resources for teachers, to seek legislation for more civic education in schools, to host further summits (the second summit will feature U.S. Supreme Court Justice Sonia Sotomayor) and to measure results.

The Initiative is a campaign of the Council on Public Legal Education (CPLÉ), which is part of LawForWA.org.

“A democracy thrives when its citizens vote, show up for jury duty, engage in public life, are aware of civic issues, listen to

other viewpoints, and interact with lawmakers,” said Margaret Fisher, a member of the Council on Public Legal Education and the lead coordinator for the Civic Learning Initiative.

The Initiative's components include:

- Kick-off summit held January 23, 2017, to identify goals and obstacles.
- Civic Learning Public Private Partnership — A Partnership will be established to bring together strong but unconnected civic entities in Washington.
- Washington's own iCivics web page with educational video games, lesson plans, “Webquests” that connect civic concepts to the real world, writing and reading tools and more, modeled after the national iCivics page founded by retired U.S. Supreme Court Justice Sandra Day O'Connor.
- Community team pilot projects comprised of business members, lawyers, educators, judges, youth and others in six underserved communities around the state.
- Legislation — A bill seeking funding to expand civic education in elementary, middle and high schools, and to provide teachers with training in civic education.
- Second summit in Spring of 2018 bringing U.S. Supreme Court Justice Sonia Sotomayor to Washington.
- Measurement of results.

CIVIC LEARNING, CONTINUED ON NEXT PAGE



ABOVE: Judges in the Classroom received a youth civics award for excellence in 2014. LEFT: Chief Justice Fairhurst swears in two students as U.S. President during the recent Civic Learning Initiative Summit. The swearing in and mock election was part of the Storypath civic learning curriculum taught to fifth grade students at Echo Lake Elementary in Shoreline.

CIVIC LEARNING, CONTINUED FROM PREVIOUS PAGE

“To keep our democracy functioning, citizens must feel free to actively engage with government and stop seeing themselves as spectators in the grandstands,” wrote Washington Supreme Court Justice Mary Fairhurst, who is a member of the CPLE and the primary convener of the Initiative, in an op-ed to the *Seattle Times*. “Let’s take steps to make the democratic process more vibrant here in Washington state.”

Current programs helping students learn about the justice system include:

- **Judges in the Classroom** — Judges volunteer to teach a class of students between grades 3 and 12, using a curriculum designed for specific age groups and meant to engage students in discussions and role-playing.
- **Street Law** — A practical law curriculum that pairs a judicial officer and a teacher for weekly presentations to a class, engaging high school students in learning about how the law applies to their everyday lives.
- **YMCA Mock Trial** — High school students engage in a

fictional courtroom drama by competing against other schools around the state, arguing the two sides of a case before real attorneys and judges, ending in state and national championships.

- **Youth Courts** — Youth Courts are established by judges to involve trained high school students in adjudicating minor offenses by their peers, both educating students on the judicial process and encouraging accountability without full system involvement.
- **Traveling Court** — Judges of the Washington Supreme Court and Court of Appeals travel several times a year to hear real cases in colleges and community halls around the state, and to visit with students and members of the public to answer questions.
- **Law Day** — Many local courts host Law Day events in their courthouses, bringing in students and community groups to learn about the judicial system and current justice issues and trends.
- **We The People** — A curriculum that simulates a Congressional hearing to make civic learning exciting for teachers and students.



JUSTICE MATTERS

As with the executive and legislative branches, judicial branch leaders are elected and appointed and often work behind the scenes to help the court system operate, improve and innovate. Here are a few members of the judicial branch whose work was noted in 2016.

Mary Fairhurst Named 56th Chief Justice of the Washington Supreme Court in December

Justice Mary Fairhurst was elected the 56th chief justice of the Washington Supreme Court by a vote of her peers in early November. Her four-year term as chief justice began January 9, 2017. She succeeded Chief Justice Barbara Madsen, one of the longest-serving chief justices in state history. The internal vote for the position of chief justice is held every four years in November at an administrative meeting of the Court. As chief justice, Fairhurst will become the Court's spokesperson, will preside over the court's public hearings and will co-chair the Board for Judicial Administration, the primary policy-setting group of the state judiciary.

Fairhurst was elected to the Supreme Court in 2002 and prior to serving on the court, she served 16 years with the Washington State Attorney General's Office. Fairhurst was also the second woman to serve as president of the Washington State Bar Association, which gave her its highest honor in 2011, the Award of Merit.

"I am honored and humbled to be elected by my colleagues for this role, and I am especially grateful for Chief Justice Madsen's support. She has been a tremendous leader, and I will rely on her guidance as I assume this awesome responsibility," said Fairhurst. "I look forward to working with the other branches of government and those in the judicial branch to serve the residents of the state of Washington."





The National Asian Pacific American Bar Association has named Washington Supreme Court **Justice Mary Yu** one of six national recipients of its Trailblazer Award.



Retired Spokane Superior Court **Judge Kathleen O'Connor**, the first woman elected to the Spokane County Superior Court in 1982, has been awarded the 2016 Outstanding Judge Award by the Washington State Bar Association.



Susan Carlson was appointed Supreme Court Clerk by the justices of the Court, taking over for retiring Clerk Ron Carpenter. Carlson is the first woman to serve in that position.



Washington State Court Administrator **Callie T. Dietz** has been elected President-Elect of the Conference of State Court Administrators (COSCA), and has also joined the board of the National Center for State Courts.



Seattle Municipal Court Presiding **Judge Karen Donohue** has been presented the 2016 Judge William Nevins Award by the Washington Judges Foundation, and has been presented the 2016 Justice Vaino Spencer Leadership Award by the National Association of Women Judges.



Robert Mead has been appointed State Law Librarian by the Washington Supreme Court, replacing long-time Librarian Kay Newman. Mead was formerly the State Law Librarian of the New Mexico Supreme Court.



King County Superior Court **Judge William Downing** was honored by the YMCA Youth and Government program for his many years heading and supporting the statewide high school Mock Trial competition. The Core Values Award, presented to a team during the annual championship competition, was renamed the William L. Downing Award.



Seattle Municipal Court **Judge Judith Hightower**, the second elected and longest serving African American female judge in Washington state, retired from the bench October 5, 2016 after 25 years of service.



Longtime Court of Appeals Division II Clerk **David Ponzoha** retired in October after 31 years. Appointed to replace Ponzoha was **Derek M. Byrne**, former director of finance for the Utah Administrative Office of the Courts.



Pierce County Superior Court **Judge Stephanie Arend** was presented the 2016 Judge of the Year Award by the American Board of Trial Advocates (ABOTA).



Cheney Municipal Court Administrator **Terri Cooper** was named 2016 Court Manager of the Year by the Washington Court Management Council.



The Quinault Indian Nation hosted the fifth regional meeting of Washington's Tribal State Court Consortium on June 24th at its headquarters in Tahola. The meeting provided an in-depth look at the Quinault Nation's efforts to modify sentencing practices to address mass incarceration concerns.



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